IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE V.ESWARAIAH

WRIT PETITION NO. 17104 OF 2006

Dated : April 24, 2007

Between:

Durgaiah

Petitioner

AND

Sri Anjaiah and others

Respondents

THE HON'BLE MR. JUSTICE V.ESWARAIAH

WRIT PETITION NO. 17104 OF 2006

ORAL ORDER:

The case of the petitioner is that he is the owner of an extent of Ac.0.30 guntas of land in Sy. No. 45 of Thimmapur village, Kuthur Mandal, Mahboobnagar

District, having purchased the same in the year 1964 and constructed a house and a hotel, abutting National High Way No.7 leading to Peddatupra Ammerpet villages. It is stated that the first respondent – Circle Inspector Police, Shadnagar Circle, is interfering with the personal life and liberty of the petitioner and his freedom to enjoy the said property at the instance of rowdy elements and land grabbers, forcing him to sell away the said property to third parties at a cheaper rate.

Admittedly, no representation or complaint has been filed against the alleged illegal action of the first respondent either before the Superintendent of Police or before the Director General of Police.

A counter has been filed by the first respondent stating that one Mr. Janthibail Patel, resident of Plot NO. 134, PG Road, Secunderabad, lodged complaint against the petitioner and others alleging that he has criminally trespassed into his land. The Sub-Inspector of Police registered a case in Cr. No.189 of 2006 for the offences under Sec. 447, 427, 323, 506 r/w 34 IPC on 15.8.2006. The allegations made against the first respondent that the first respondent called the petitioner to the Shadnagar Police Station on 10.08.2006 and that he sent constables of Kothur Police Station, are all denied. It is stated that all the allegations made in the writ affidavit are false and

untrue. It is further stated that at this stage the writ petition is filed to evade the prosecution in respect of the crime registered against the petitioner. It is also stated that the first respondent never interfered with the civil disputes of the petitioner. It is also stated that, in fact, on 9.8.2006 he left for Kalwakurthy and thereafter proceeded to Hyderabad on 10.8.2006 and visited Airtel Office in connection with other crime.

In view of the aforesaid categorical denial in the counter affidavit and in view of the absence of any complaint made by the petitioner before the Higher Officers of the Police, I am not inclined to entertain the writ petition.

The writ petition fails and is accordingly dismissed, at the stage of admission.

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JUSTICE V.ESWARAIAH

April 24, 2007
MAS